

REMARKS

Applicants have carefully reviewed the Office Action of March 19, 2007. Claims 22-36 are pending and have been rejected. Favorable reconsideration is respectfully requested.

Restriction Requirement Withdrawal

Applicants thank the Examiner for the withdrawal of the previously imposed election/restriction requirement and for the examination of method claims 31-34 and 36.

Claim Rejections under 35 U.S.C. § 102

Claims 22, 25, 28, 30 and 35 were rejected under 35 U.S.C. § 102(b) as being anticipated by Walker, U.S. Patent No. 5,322,513. Applicants respectfully traverse the rejection at least for the reason that Walker does not teach or suggest all the claim elements.

For example, claim 22 recites “a seal member attached to the flanged end and covering the opening.” The Examiner argues that Walker, which pertains to an integrated catheter stripper mounted within a modified Y-connector, discloses such a seal member at column 7, lines 63-67 of Walker. This element is not actually shown in Figure 2, the figure which these lines relate to, but is merely described as “O-rings or other conventional sealing members.”

From reading these lines, it is apparent that the seal described by Walker is not sealing the opening of the port but rather is sealing between the lip 56 of access port 51 and the threaded portion of cap 48. The O-ring specifically described by Walker is annular. Further, other sealing members, such as gaskets, conventional to the application described by Walker, are annular. Applicants therefore submit that Walker therefore does not disclose a seal member that covers the opening as recited in claim 22. Moreover, in applications like that disclosed by Walker, sealing members and the like are typically not attached. Instead, such sealing members are merely captured by the geometry of the sealed members. By not attaching the seal to the sealed members, the seal can deform to provide the desired sealing without being subject to unnecessary stress that may tear the seal and thereby hinder the desired sealing. (If the seal were attached, it would be subject to greater and unnecessary stress from the relative movement of the sealed members against each other.) Applicants therefore also submit that Walker does not disclose nor suggest the desirability of a seal that is attached to a proximal end surface as recited in claim 22.

For at least these reasons, Applicants respectfully submit that claim 22 is in condition for allowance. As claims 25, 28 and 30 depend from claim 22 and contain additional elements, Applicants submit that these claims are in condition for allowance as well.

Similarly, claim 35 recites “a seal attached to the proximal end surface that seals the inflation lumen.” Walker does not disclose the position of the seal, which may be, for example, about the port 51 immediately proximal of the lip 56. Such a seal would not be at the proximal end surface. Moreover, Walker does not disclose, as discussed above, attaching the seal to a surface of the port. For at least these reasons, Applicants respectfully submit that Walker does not teach or suggest each and every claim element and, consequently, that Walker does not anticipate claim 35.

Claim Rejections under 35 U.S.C. § 103

Claims 23, 24, 27 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker. Applicants respectfully traverse the rejection.

First, each of these claims depends from claim 22, which Applicants submit is allowable, and contains additional elements. For at least this reason, Applicants submit that these claims are in condition for allowance as well.

Second, Walker does not disclose the elements of these claims nor suggest the desirability of modifying Walker to include these elements. Quite to the contrary, none of the elements of these claims would be suitable for use with Walker.

For example, claim 23 recites “wherein the seal has a cross-sectional surface area defined by a closed plane figure” and claim 24 recites “wherein the seal is generally planar.” The Examiner argues that such modifications would have been obvious “because Walker teaches ‘any conventional sealing members’ which is substantially broad enough to render obvious the overall claimed seal structure.” However, the phrase “any conventional sealing members” is not carte blanche to insert any structure at all. (Doors and gates, for example, are conventional sealing structures that, Applicants hope, the Examiner would agree are not suitable for application here.) The phrase must be considered in light of the application. And in the application of sealing cap 48 to port 51, conventional sealing members are annular. Generally, the sorts of sealing structures used in these sorts of male-female connections are annular. In this specific application, it is even more apparent that any sealing structure applied would be annular.

As Figure 2 shows, a portion of cap 48 extends into port 51 and a portion of the body tubing extends past the end of port 51 to “allow easy access for the physician to pull on the end of the body tubing once cap 48 is removed.” Walker at column 8, lines 2-4. A seal having a cross-sectional surface area defined by a closed plane figure or a generally planar seal would frustrate these aims by not allowing either the cap to extend into the port or the body tubing to extend out from the port.

Claim 27 recites “wherein the seal is self-sealing.” A self-sealing seal is a seal that can reseal after a puncture, for example. The sealing structure between the cap and port of Walker is not in a position to be pierced, so there is no application for a self-sealing seal. Moreover, O-rings and other conventional seals in this application are not, to Applicants’ knowledge, self-sealing.

Claim 29 recites “wherein the seal is releasably attached to the flanged region.” For the reasons discussed above with respect to claim 22, an attached or releasably attached seal in this application is neither disclosed nor desired.

For these reasons, it can be seen that Walker does not teach or suggest all the claim limitations nor does Walker teach or suggest the desirability of such modifications.

Claims 26 and 31-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Lopez et al., U.S. Patent No. 5,344,414. Applicants respectfully traverse the rejection.

The Examiner argues that claim 26 is obvious over these references because “Lopez teaches a pierceable seal used with a medical port for the administration of fluid.” However, the sealing structure between the cap and port of Walker is not in a position where it is physically possible to pierce it when the cap is on. When the cap is off, one would not try to pierce the seal which, as discussed above, would not and could not by itself cover the opening of the port. Therefore, because claim 26 depends from claim 22 and is in condition for allowance and because there is no suggestion or motivation to make the modification, Applicants respectfully submit that claim 26 is in condition for allowance.

As to claim 31-34 and 36, even if Walter discloses the structural limitations required to perform the recited steps (a point which Applicants do not concede), that would not render the method obvious. Moreover, claim 31 recites “coupling a sealing device to the port, the sealing device including a vacuum source” and claim 36 also recites “the sealing device including a

vacuum source.” Neither Walker nor Lopez disclose a vacuum source, still less how one might use a vacuum source. Therefore, for at least the reason that the cited prior art does not teach and disclose all the claim elements, Applicants respectfully submit that a *prima facie* case of obviousness has not been made and that claims 31-34 and 36 are in condition for allowance.

Conclusion

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Yiqun Wang et al.

By their Attorney,



David M. Crompton, Reg. No. 36,772
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349

Date: _____

6/19/07